

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, February 12, 2009

The Senate convened at 12:30 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Tim Privratsky, Evangelical Bible Church, Dickinson.

The roll was called and all members were present except Senators Kilzer and O'Connell.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:45 p.m., at which time it will meet in the House Chamber for a Joint Session, after which the Senate will reconvene at 1:45 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Dalrymple presiding.

## CONSIDERATION OF AMENDMENTS

**SB 2042, as engrossed: SEN. MATHERN (Appropriations Committee) MOVED** that the amendments on SJ page 376 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2214: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ page 377 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2318: SEN. DEVER (Human Services Committee) MOVED** that the amendments on SJ page 378 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2403: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ page 378 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## MOTION

**SEN. FIEBIGER MOVED** that the Senate reconsider its action whereby SB 2440 failed to pass, which motion lost on a verification vote.

## SECOND READING OF SENATE BILL

**SB 2317: A BILL** for an Act to amend and reenact sections 61-24.7-01, 61-24.7-02, and 61-24.7-05 of the North Dakota Century Code, relating to the funding plan for the Red River valley water supply project.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigler; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Potter

SB 2317 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2171:** A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to the termination of a residential lease by a victim of domestic violence.

**MOTION**

**SEN. OLAFSON MOVED** that Engrossed SB 2171 be amended as follows, which motion prevailed.

Page 1, line 14, after "issued" insert "after a hearing"

Renumber accordingly

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2171 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2369:** A BILL for an Act to provide for a legislative council study of allocation of property tax relief among renters.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Miller

Engrossed SB 2369 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2429:** A BILL for an Act to amend and reenact subsection 10 of section 39-06.1-06 of the North Dakota Century Code, relating to a violation of hours of service provisions for commercial drivers.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2429 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2401:** A BILL for an Act to provide for a legislative council study relating to requirements for plans and specifications and bids for public improvements.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2401 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2316:** A BILL for an Act to provide a recommendation concerning state cost-sharing for water retention projects.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Behm; Bowman; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Olafson; Robinson; Schneider; Seymour; Wanzek; Wardner

**NAYS:** Anderson; Bakke; Christmann; Dotzenrod; Heckaman; Hogue; Horne; Klein; Krauter; Marcellais; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Potter; Stenehjem; Taylor; Triplett; Warner

Engrossed SB 2316 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2005:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2005 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the aeronautics commission.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2006 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2011:** A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2011 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2024:** A BILL for an Act to provide an appropriation for defraying the expenses of the racing commission.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Miller; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Andrist; Bowman; Cook; Fischer; Krauter; Lindaas; Lyson; Nodland; Robinson

SB 2024 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2008:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2008 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2028:** A BILL for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to repeal of the community service supervision fee.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Christmann

SB 2028 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2051:** A BILL for an Act to amend and reenact section 57-51.1-07.3 of the North Dakota Century Code, relating to oil and gas research fund deposits.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2051 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2118:** A BILL for an Act to amend and reenact section 27-09.1-14 of the North Dakota Century Code, relating to compensation of jurors.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2118 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2162:** A BILL for an Act to create and enact two new sections to chapter 50-11.1 of the North Dakota Century Code, relating to self-declaration of an individual who provides early childhood services; to amend and reenact sections 50-11.1-02, 50-11.1-02.1, 50-11.1-03, 50-11.1-04, 50-11.1-06, 50-11.1-06.1, 50-11.1-06.2, 50-11.1-07, 50-11.1-07.1, 50-11.1-07.2, 50-11.1-07.3, 50-11.1-07.4, 50-11.1-07.5, 50-11.1-07.6, 50-11.1-07.8, 50-11.1-08, 50-11.1-09, 50-11.1-10, 50-11.1-11, 50-11.1-11.1,

50-11.1-12, and 50-11.1-13.1 of the North Dakota Century Code, relating to licensing and registration of early childhood services providers, investigation of early childhood services providers, denial or revocation of request for early childhood services provider licensure or registration, and resource and referral services; to repeal section 50-11.1-03.1 of the North Dakota Century Code, relating to cardiopulmonary resuscitation certification for a family child care home operator; to provide a penalty; and to provide an expiration date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Heckaman; Hogue; Horne; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Andrist; Bowman; Christmann; Cook; Freborg; Holmberg; Kilzer; Klein; O'Connell; Stenehjem

Engrossed SB 2162 passed and the title was agreed to.

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### COMMUNICATION

**MR. PRESIDENT:** Pursuant to Senate Rule 329, SB 2249 was deemed under the jurisdiction of the Senate Appropriations Committee at the end of the twenty-third legislative day.

#### MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2048, SB 2255, SB 2269, SB 2310, SB 2366, SB 2371, SB 2376, SB 2377, SB 2405, SB 2413, SB 2431, SB 2432.

#### MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2359.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1037, HB 1061, HB 1062, HB 1063, HB 1101, HB 1150, HB 1151, HB 1161, HB 1201, HB 1289, HB 1299, HB 1430, HB 1455, HB 1525, HB 1561, HCR 3008.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1064, HB 1464.

### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 13, 2009, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**SB 2010: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2010 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "167,000" with "234,450" and replace "1,772,278" with "1,839,728"

Page 1, line 14, replace "319,542" with "386,992" and replace "2,763,659" with "2,831,109"

Page 1, line 16, replace "162,374" with "229,824" and replace "1,318,173" with "1,385,623"

Page 1, after line 22, insert:

"Grants

\$0

\$67,450"

Page 1, line 24, replace "0" with "67,450"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT - LC 98029.0103 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

#### REPORT OF STANDING COMMITTEE

**SB 2023: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2023 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "718,180" with "214,904" and replace "11,928,876" with "11,425,600"

Page 1, line 14, replace "752,788" with "249,512" and replace "2,453,493" with "1,950,217"

Page 1, line 16, replace "4.00" with "1.00" and replace "33.00" with "30.00"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT - LC 98042.0101 FN 1

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

#### REPORT OF STANDING COMMITTEE

**SB 2046, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide legislative intent; to provide an"

Page 1, line 4, remove "appropriation"

Page 1, remove lines 22 and 23

Page 2, remove lines 1 through 7

Page 2, line 8, replace "Sections 1 and 2 of this Act are" with "This Act is"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes Sections 2 and 3 relating to authorization and funding for 2 FTE positions to administer the survey program for health facilities construction or renovation projects.

#### REPORT OF STANDING COMMITTEE

**SB 2047, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2047 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2064: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2064 was placed on the Sixth order on the calendar.

Page 1, line 4, remove the second "to"

Page 1, line 5, remove "provide for retroactive application;"

Page 1, line 17, replace "forty" with "forty-one"

Page 1, after line 20, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

1. Each member of the legislative assembly is entitled to receive as compensation for services the sum of one hundred ~~forty-one~~ forty-eight dollars for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule."

Page 3, line 7, replace "ninety-three" with "ninety-six"

Page 3, after line 18, insert:

**"SECTION 6. AMENDMENT.** Subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

7. a. In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of ~~three~~ four hundred ~~ninety-six~~ fifteen dollars a month, which is payable every six months or monthly, at the member's option.
- b. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.
- c. The majority and minority leaders of the house and senate and the chairman of the legislative council, if the chairman is not a majority or minority leader, are each entitled to receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of two hundred seventy dollars per month during the biennium for their execution of public duties."

Page 5, line 13, replace "forty" with "forty-one"

Page 5, after line 21, insert:

**"SECTION 9. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

**54-35-10. Compensation of members and leadership.**

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred ~~forty-one~~ forty-eight dollars per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.
2. In addition to the compensation provided in subsection 1, the chairman of the council shall receive an additional five dollars for each day spent in attendance at sessions of the council and of its committees, and the chairman of each of the council's committees shall receive five dollars for each day spent in attendance at sessions of the council or of the committee which the person chairs."

Page 5, line 22, replace "4" with "5" and replace "6" with "8"

Page 5, line 23, replace "section 3 of this Act becomes effective on January 1, 2009" with "sections 3, 6, and 9 of this Act become effective on July 1, 2010"

Page 5, remove lines 24 and 25

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2154, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed SB 2154 was placed on the Eleventh order on the calendar.



**REPORT OF STANDING COMMITTEE**

**SB 2160, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2160 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "subsection" with "subsections" and after "1" insert "and 3"

Page 1, line 6, after the second comma insert "the financial institutions regulatory fund balance,"

Page 1, line 12, replace "Subsection" with "Subsections" and after "1" insert "and 3"

Page 1, line 13, replace "is" with "are"

Page 1, after line 18, insert:

- "3. Any cash balance in the financial institutions regulatory fund after all current biennium expenditures are met must be carried forward in the financial institutions regulatory fund for the next succeeding biennium. The balance in this fund at the end of the current biennium, excluding fees collected for use in the next succeeding biennium, may not exceed twenty percent of the department's next succeeding biennial budget."

Page 25, line 29, replace "Section" with "Sections 1 and" and replace "becomes" with "become"

Page 25, line 30, remove "its"

Page 26, line 1, replace "Section" with "Sections 1 and" and replace "is" with "are"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2199: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "section" with "sections 57-15-14 and"

Page 1, after line 16, insert:

**"SECTION 2. AMENDMENT.** Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-14. General fund levy limitations in school districts.** The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus eighteen percent up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
  - a. ~~There~~ there may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.
  - b. ~~There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.~~
2. In any school district having a total population of ~~less~~ fewer than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of

the qualified electors voting upon the question at any regular or special school election.

3. After June 30, ~~2007~~ 2009, in any school district election for approval by electors of ~~unlimited or increased levy authority under subsection 1 or 2, the ballot must specify the number of mills, the percentage increase in dollars levied, or that unlimited levy authority is proposed for approval, and the number of taxable years for which that approval is to apply.~~ After June 30, ~~2007~~ 2009, approval by electors of ~~unlimited or increased levy authority under subsection 1 or 2~~ may not be effective for more than ten taxable years.
4. The authority for an unlimited levy approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2010. If the electors of a school district subject to this subsection have not approved a levy of a specific number of mills under this section by December 31, 2010, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.

The question of authorizing or discontinuing such specific number of mills authority ~~or unlimited taxing authority~~ in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to ten percent of the number of electors who cast votes in the most recent election in the school district. However, not fewer than twenty-five signatures are required ~~unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located.~~ However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy."

Page 3, line 5, after "district" insert "in the previous taxable year"

Page 3, line 29, after "2008" insert "reduced by the amount of the school district's mill levy reduction grant under section 57-64-02 for the budget year"

Page 4, line 4, after the underscored period insert "A ballot measure for approval by electors of extension of levy authority under subdivision a or b of subsection 1 is subject to the following:

- a. The ballot measure must specify the number of mills for the combined education mill rate for which approval is sought.
- b. If a ballot measure for approval of authority to levy a specific number of mills is not approved by a majority of the electors of the school district voting on the question, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or 57-15-14."

Page 4, line 11, replace "and" with a comma and after "2" insert ", and 3"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2217: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2217 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 39-06-01.1"

Page 1, line 2, replace "and motor vehicle operators" with "; to provide for a legislative council report"

Page 1, line 3, remove "licenses"

Page 2, line 9, replace "state's attorney" with "local law enforcement agency"

Page 2, replace lines 19 through 31 with:

**"SECTION 2. ADVISORY COMMITTEE ON TRUANCY - REPORT TO LEGISLATIVE COUNCIL.** The superintendent of public instruction shall appoint an advisory committee on truancy. The committee must include representatives of school administrators, teachers, social workers, law enforcement, and state's attorneys. The committee shall review existing school district policies and responses to truancy and shall explore the desirability and feasibility of making available counseling and intervention options and alternative learning environments; the effectiveness of imposing punitive measures on the truant students, on the parents of truant students, or both; and any other solutions designed to decrease incidences of truancy. Before September 1, 2010, the committee shall report its findings and recommendations to the legislative council."

Page 3, remove lines 1 through 24

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2222: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2222 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2252: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2252 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2257: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2257 was placed on the Sixth order on the calendar.

Page 2, line 7, replace "when" with "upon submission of" and remove "is presented to the governing body"

Page 2, line 10, after the underscored period insert "The petition must be presented to the governing body at least sixty days before a regular city election."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2258: Judiciary Committee (Sen. Nething, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2258 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2267: Judiciary Committee (Sen. Nething, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2289: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2289 was placed on the Sixth order on the calendar.

Page 2, line 1, after "4." insert "a."

Page 2, line 2, overstrike "and" and insert immediately thereafter an underscored comma, after "met" insert ", and guidelines detailing how all incidents are to be investigated", and after the period insert:

"b."

Page 2, line 3, replace "governing" with ", procedures, and guidelines applicable to"

Page 2, line 4, remove "and consistently applied" and replace "governing" with ", procedures, and guidelines applicable to"

Page 2, line 5, remove "and consistently applied" and replace "governing" with ", procedures, and guidelines applicable to"

Page 2, line 6, remove "and consistently applied"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2297: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2297 was placed on the Sixth order on the calendar.

Page 4, line 18, replace ", or" with an underscored semicolon

Page 4, line 19, after "2010" insert "; by October 1, 2011, for taxable periods after December 31, 2011; or by October 1, 2012, for taxable periods after December 31, 2012"

Page 6, line 11, after "facility" insert "that became operational before January 1, 2009, and which is"

Page 6, line 20, after "dollars" insert "and fifty cents"

Page 6, line 30, after "by" insert "the state board of equalization under"

Page 7, line 23, after the underscored comma insert "each wind farm, wind generator, and generator of electricity from sources other than coal subject to the coal conversion tax and"

Page 7, line 25, after "commissioner" insert "on a form prescribed by the commissioner any and all information required by the commissioner. The form must include a notice of a company's right to appeal its assessment to the state board of equalization before or at the August meeting of the state board of equalization. Required information includes"

Page 7, line 26, remove "Information about the company, including:"

Page 8, line 12, after "capacity" insert ", and all components of the collector system, if any"

Page 12, line 24, replace "most recent respective property tax levies" with "respective most recent property tax mill rates that apply to the land on which the wind farm and associated collector system, wind generator, or other generation unit is located"

Page 12, line 25, remove "in dollars on property within the county"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2305: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Sixth order on the calendar.

Page 1, after line 9, insert:

**"SECTION 2. BEAVER BAY EMBANKMENT FEASIBILITY STUDY - USE OF FUNDS.** Of the funding provided in section 1 of this Act, no more than \$100,000 may be spent prior to the acquisition of necessary easements from the federal army corps of engineers."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2306: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2306 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact sections 26.1-30-22 and 26.1-30-23 of the North Dakota Century Code, relating to premium rate requirements and rate filing procedures for accident and health insurance; and to amend and reenact sections 26.1-18.1-15, 26.1-30-19, and 26.1-30-21 of the North Dakota Century Code, relating to health maintenance organization rate filings and insurance rate filing procedures.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 26.1-18.1-15 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-18.1-15. Filing requirements for rating information.**

1. ~~No~~ A premium rate may not be used until ~~either~~ a schedule of premium rates or methodology for determining premium rates has been filed with and approved by the commissioner.
2. ~~Either a~~ A specific schedule of premium rates; or a methodology for determining premium rates; must be established in accordance with actuarial principles for various categories of enrollees, provided that the premium applicable to an enrollee may not be individually determined based on the status of the enrollee's health. ~~However, the premium rates may not be excessive, inadequate, or unfairly discriminatory.~~ A certification by a qualified actuary or other qualified person acceptable to the commissioner as to the appropriateness of the use of the methodology, based on reasonable assumptions, ~~shall~~ must accompany the filing along with adequate supporting information.
3. The commissioner shall approve the schedule of premium rates or methodology for determining premium rates if the requirements of subsection 2 ~~and the requirements of sections 26.1-30-22 and 26.1-30-23 are met.~~ The procedures set forth in sections ~~26.1-30-20 26.1-30-22 and 26.1-30-24~~ 26.1-30-23 govern the approval and disapproval of rating information required to be filed under this section.

**SECTION 2. AMENDMENT.** Section 26.1-30-19 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-30-19. Policy forms to be filed with and approved by commissioner.**

1. ~~No~~ An insurance policy, contract, agreement, or rate schedule may not be issued or delivered in this state until the form of that policy, contract, agreement, or rate schedule has been filed with and approved by the commissioner.
2. ~~No~~ A life insurance policy, certificate, contract, or agreement or annuity contract may not be issued for delivery or delivered to any person in this state nor may any application, rider, or endorsement be used in connection therewith until the form thereof has been filed with and approved by the commissioner and is in compliance with chapters 26.1-33, 26.1-34, 26.1-35, and 26.1-37.
3. ~~No~~ An insurance policy, certificate, contract, or agreement or notice of proposed insurance against loss or expense from the sickness, bodily injury, or death by accident of the insured may not be issued for delivery or delivered to any person in this state nor may any application, rider, or endorsement be used in connection therewith until the form thereof and the classification of risks and the premium rates, or in the case of cooperatives or assessment companies the estimated costs pertaining thereto, have been filed with and approved by the commissioner. A form must be disapproved if the benefits ~~provided are unreasonable in relation to the premium charge or if the benefits~~ do not comply with chapters 26.1-36 and 26.1-37. Sections 26.1-30-22 and 26.1-30-23 apply to rate filings required under this subsection.

4. ~~No~~ A casualty or fire and property insurance policy, certificate, contract, or agreement may not be issued for delivery or delivered to any person in this state nor may any application, rider, or endorsement be used in connection therewith until the form thereof has been filed and approved by the commissioner to the extent rates are filed and approved pursuant to chapter 26.1-25.

**SECTION 3. AMENDMENT.** Section 26.1-30-21 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-30-21. Disapproval of form by commissioner - Notice and hearing.**

1. ~~If Except as otherwise provided, if~~ the commissioner disapproves any form, the commissioner shall notify the company or organization ~~which that~~ filed the form within sixty days after filing or within the additional period provided for in section 26.1-30-20 and provide written notice of disapproval of the form, specifying the reasons for disapproval and stating that a hearing may be requested in writing within forty-five days. ~~No~~ A company or organization may not issue any insurance policy in the form ~~which that~~ has been disapproved. If a hearing is requested, the commissioner may suspend or postpone the effective date of disapproval.
2. ~~The commissioner may~~ Except as otherwise provided, at any time after a hearing of which not less than twenty days' written notice has been given to the insurer, the commissioner may withdraw approval of any form if ~~the form~~ contains a provision ~~which that~~ is unjust, unfair, inequitable, misleading, or deceptive, or on any of the grounds stated in this title. It is unlawful for the insurer to issue the form or use ~~the form~~ in connection with any policy after the effective date of withdrawal of approval. The notice of any hearing called under this subsection must specify the matters to be considered at the hearing and any decision affirming disapproval or directing withdrawal of approval under this section must be in writing and must specify the reasons for the decision.

**SECTION 4.** Section 26.1-30-22 of the North Dakota Century Code is created and enacted as follows:

**26.1-30-22. Accident and health insurance - Premium rate requirements.**

1. Premium rates associated with any insurance policy, certificate, contract, or agreement or notice of proposed insurance against loss or expense from the sickness, bodily injury, or death by accident of the insured may not be issued for delivery or delivered to any person in this state nor may any application, rider, or endorsement be used in connection with such a policy, certificate, contract, agreement, or notice until the classification of risks and premium rates, or in the case of cooperatives or assessment companies the estimated costs pertaining thereto, have been filed with and approved by the commissioner as provided under section 26.1-30-23.
2. For purposes of this section, premium rates:
  - a. Must cover reasonably anticipated claims;
  - b. Must cover reasonable costs of operation and overhead expenses;
  - c. Must be reasonable in relation to benefits provided;
  - d. For an insurer subject to section 26.1-17-33.1, notwithstanding the prohibition of use of risk-based capital information for ratemaking as defined in section 26.1-03.1-08, must maintain a risk-based capital margin between six hundred percent and seven hundred fifty percent based on the risk-based capital instructions defined in chapter 26.1-03.1;
  - e. May not be excessive;
  - f. May not be inadequate, unless mutually agreed by the insurer and the commissioner; and
  - g. May not be unfairly discriminatory.

3. Reliance on the risk-based capital instructions under chapter 26.1-03.1 for establishing reasonable premium rates does not waive the confidentiality protection and other restrictions.
4. Except as otherwise provided, as used in this section:
  - a. "Excessive rates" means rates that are projected to not meet the minimum loss ratios specified in section 26.1-36-37.2.
  - b. "Inadequate rate" means a rate that is projected to return benefits to group policyholders in the aggregate of more than ninety percent of premium received and to return benefits to individual policyholders in the aggregate of more than eighty-five percent of premium received.
  - c. "Unfairly discriminatory rate" means a rate established in violation of subsection 7 of section 26.1-04-03.

**SECTION 5.** Section 26.1-30-23 of the North Dakota Century Code is created and enacted as follows:

**26.1-30-23. Accident and health insurance - Procedure for use of premium rates filed with commissioner - Appeals.**

1. Except as otherwise provided or except upon receipt of written approval by the commissioner, a premium rate or a rate schedule required to be filed under this section may not be issued, nor may any application, rider, or endorsement be used in connection with such a rate or rate schedule, until the expiration of forty-five days following the filing of the rate or rate schedule with the commissioner. The commissioner may extend the forty-five-day period for an additional period, not to exceed fifteen days, if the commissioner provides written notice to the insurer within the initial forty-five-day period. The written notice must advise the insurer that the additional time is necessary for the commissioner to consider the filing. If the applicable time period for consideration of a premium rate filing by the commissioner expires without a written response as required under subsection 2, the filing is deemed approved until the next time the same rate filing for the associated insurance policy, certificate, contract, agreement, or rate schedule, or any associated application, rider, or endorsement, is submitted to the commissioner for review.
2. The commissioner shall review the premium rate filing, including additional information requested related to the rate filing, and shall provide a written response that:
  - a. Approves the premium rate schedule as filed;
  - b. Disapproves the premium rate schedule as filed, and which includes the specific actuarial basis and reasons for the denial, and which is accompanied by the actuarial analysis used in making the determination by the commissioner; or
  - c. Disapproves the submitted premium rate schedule as filed and approves an alternative rate schedule, and which includes the specific actuarial basis and reasons for the alternate rate schedule, and which is accompanied by the actuarial analysis used in making the determination by the commissioner.
3. If the commissioner disapproves the rate schedule or approves an alternative rate schedule, as part of the written response the commissioner shall notify the insurer that the insurer may request an administrative hearing by filing a written request within fifteen days of the written response.
4. If the insurer requests a hearing under subsection 3, the commissioner shall coordinate with the office of administrative hearings, in consultation with the insurer, to schedule an administrative hearing that must be conducted by an independent hearing officer within forty-five days of the hearing request. Upon a determination of just cause, the hearing officer may extend the forty-five-day deadline for no more than fifteen days.

5. The hearing officer shall issue a final decision within thirty days following completion of the administrative hearing and any posthearing briefs. The insurer and the commissioner have thirty days from the issuance of the final decision to file an appeal with the district court."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2308: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2308 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "18-05.1-02" insert "and 18-05.1-03"

Page 1, line 2, replace "estate" with "survivor"

Page 1, line 7, replace "estate" with "survivor"

Page 1, line 15, replace "estate" with "survivor"

Page 1, after line 22, insert:

**"SECTION 2. AMENDMENT.** Section 18-05.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**18-05.1-03. ~~Definition~~ Definitions.** For purposes of this chapter, ~~firefighter~~:

1. "Firefighter" means an individual who is member of a paid or volunteer fire department that is a part of or is administered by this state, any political subdivision of this state, or a rural fire protection district, or rural fire department.
2. "Survivor" means the spouse of the deceased firefighter. If there is no spouse, the term means the individual designated in writing by the deceased firefighter as beneficiary of the Public Safety Officers' Benefit Act [42 U.S.C. 3796 et seq.] death benefit or if no beneficiary is designated, the deceased firefighter's estate."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2338, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2338 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2341: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2341 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2342: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Dakota" insert "; and to provide for a legislative council study"

Page 1, after line 15, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY - JOHNE'S DISEASE.** During the 2009-10 interim, the legislative council shall consider studying the impact of Johne's disease on livestock producers in the state. The study, if conducted, may include a review of the need to quarantine affected livestock herds to control the spread of disease. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."



Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment adds a section to provide for a Legislative Council study of the impact of Johnne's disease in North Dakota.

**REPORT OF STANDING COMMITTEE**

**SB 2348: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2348 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2353, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2353 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2356: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2358: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2358 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2360: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2360 was placed on the Sixth order on the calendar.

Page 1, line 8, replace the second "a" with "the largest"

Page 1, line 9, replace "full" with "half-time, unpaid" and after "employment" insert "for no more than one year"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2378, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2378 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2383: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2383 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "individual and" with "an"

Page 1, line 3, remove "corporate"

Page 1, line 9, replace the underscored colon with ", "individual with disabilities" means an individual with a disability as defined under the Americans with Disabilities Act of 1990, and as amended by the ADA Amendments Act of 2008 [Pub. L. 110-325, 122 Stat. 3553], and who is receiving services directly related to the disabilities."

Page 1, remove lines 10 through 15

Page 1, line 18, after "57-38-30.3" insert "for the employment of an individual with disabilities"

Page 1, replace line 19 with "fifty percent of wages paid up to a maximum of five thousand"

Page 1, line 20, remove "part-time"

Page 1, line 21, remove "who is receiving state services directly related to such disabilities"

Page 1, line 22, remove the underscored colon

Page 2, line 1, replace "a. The" with "the"

Page 2, line 2, replace "within the ninety-day" with "from the number of individuals with disabilities employed by the taxpayer at the end of the preceding taxable year."

Page 2, remove lines 3 through 6

Page 2, line 7, replace "credit allowed under this section for the employment of individuals with" with "taxpayer may claim the credit in the first tax year beginning after the individual hired has completed the employee's first twelve consecutive months of employment with the taxpayer"

Page 2, remove line 8

Page 2, line 9, remove "employment of such individuals by one or more"

Page 2, line 11, remove "The taxpayer is not required to make a"

Page 2, remove lines 12 and 13

Page 2, line 15, remove "incentive" and replace "pursuant to" with "under"

Page 2, line 17, remove "or job service North Dakota"

Page 2, line 18, replace "The taxpayer shall file a plan with the commissioner on a form prescribed by the" with "A partnership, subchapter S corporation, limited partnership, or limited liability company, or any other entity treated as a passthrough entity for federal income tax purposes must be considered to be the taxpayer for purposes of this section. The amount of the credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity."

Page 2, remove lines 19 through 25

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2385, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2385 was placed on the Sixth order on the calendar.

Page 1, line 13, after "additional" insert "one-time" and replace "six" with "five"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2393: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2393 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2396: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2396 was placed on the Sixth order on the calendar.

Page 1, line 2, after "initiative" insert "; and to provide for a legislative council study"

Page 1, after line 13, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY - PREVENTION AND INTERVENTION SERVICES FOR CHILDREN.** During the 2009-10 interim, the legislative council shall consider studying the availability of and need for prevention and intervention services relating to child abuse and neglect and out-of-home placement of children. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2397: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2397 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2399: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2399 was placed on the Sixth order on the calendar.

Page 1, line 1, after "facilities" insert "and providers"

Page 1, line 4, after "facility" insert "and provider" and after the underscored boldfaced period insert:

"1."

Page 1, line 5, after "facility" insert "or provider" and replace "participates in" with "has"

Page 1, line 6, remove "exceeding fifty thousand dollars"

Page 1, line 7, after "facility" insert "or provider"

Page 1, line 8, after "information" insert "stating", after "facility" insert "or provider", and replace "exceeding fifty" with "and stating the amount of that payment made"

Page 1, line 9, remove "thousand dollars" and after the underscored period insert:

"2. Subsection 1 does not apply to a performance review required to maintain licensure or accreditation by governmental or third party payers or to maintain accreditation by a quality assurance organization."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2417: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2417 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study relating to the state facilitating the reduction of landfill waste and the potential for development of methane processing."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE COUNCIL STUDY - REDUCTION OF LANDFILL WASTE AND DEVELOPMENT OF METHANE PROCESSING.** During the 2009-10 interim, the legislative council shall study the feasibility and desirability of the state facilitating the reduction of landfill waste in North Dakota through encouragement and coordination of public and private recycling programs and investigate the potential for development of methane processing from landfills for power generation. The legislative council shall report its findings and recommendations, and any legislation necessary to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2418: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2418 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2419, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2419 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2421: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2421 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to amend and reenact subsections 7 and 8 of section 25-03.1-02, section"

Page 1, remove line 2

Page 1, line 3, remove "to emergency procedures for mental health commitments; and"

Page 1, remove lines 6 through 23

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 7

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2423: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2423 was placed on the Sixth order on the calendar.

Page 1, line 3, after "disabilities" insert "; and to provide for a report to the legislative assembly"

Page 1, after line 10, insert:

**"SECTION 2. REPORT TO LEGISLATIVE ASSEMBLY.** The department of human services shall provide a report to the sixty-second legislative assembly which includes recommendations or proposed legislation relating to audits and reimbursements of private providers for individuals with developmental disabilities."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2433: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2433 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 65-05.1 of the North Dakota Century Code, relating to data collection of workers' compensation claims that receive vocational rehabilitation services; and"

Page 1, line 6, remove the overstrike over "~~the first~~" and remove "an"

Page 1, line 7, remove the overstrike over "~~return to the same, modified, or alternative occupation, or return to~~"

Page 1, remove the overstrike over line 8

Page 1, line 9, remove the overstrike over "~~marketable skills~~" and remove "selected"

Page 1, line 16, replace "The organization shall contact the employee by" with "When the first appropriate vocational rehabilitation option is identified for an employee, the organization shall notify the employee of the obligation to make a good-faith work search or good-faith work trial, and provide information to the employee regarding reinstatement of benefits if the work search or work trial is unsuccessful."

**SECTION 2.** A new section to chapter 65-05.1 of the North Dakota Century Code is created and enacted as follows:

**Status of claims.** The organization shall collect data regarding the status of claims under which a claimant receives rehabilitation services. The data must include:

1. The stage of rehabilitation services at which closure occurs;
2. The reason for the closure; and
3. Follow-up data to determine the effectiveness of job searches and returns to work, including post-injury earnings."

Page 1, remove lines 17 through 22

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2439: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2439 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SCR 4013: Judiciary Committee (Sen. Nething, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4013 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SCR 4016: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Eleventh order on the calendar.

#### **FIRST READING OF HOUSE BILLS**

**HB 1096:** A BILL for an Act to amend and reenact section 6-03-13.1 of the North Dakota Century Code, relating to separate banking facilities.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1143:** A BILL for an Act to amend and reenact subsection 1 of section 6-06-08 of the North Dakota Century Code, relating to reports of examination and late fees of state-chartered credit unions set by the state credit union board.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1152:** A BILL for an Act to amend and reenact section 6-01-04.1 of the North Dakota Century Code, relating to the removal of officers, directors, and employees of financial corporations or institutions.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1154:** A BILL for an Act to create and enact a new subsection to section 6-01-02 of the North Dakota Century Code, relating to definitions for the department of financial institutions.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1155:** A BILL for an Act to amend and reenact section 6-03-06 of the North Dakota Century Code, relating to the sale of real estate loans.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1162:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to restrictions on the sale of flags of the United States of America; and to provide an effective date.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

The Senate stood adjourned pursuant to Senator Christmann's motion.

**Fran A. Gronberg, Secretary**

